

**From:** [PETERSON Jenn L](#)  
**To:** [Chip Humphrey/R10/USEPA/US@EPA](#); [Eric Blischke/R10/USEPA/US@EPA](#); [Joe Goulet/R10/USEPA/US@EPA](#)  
**Cc:** [Robert Gensemer](#); [ANDERSON Jim M](#)  
**Subject:** RE: LWG response to EPAs Benthic Interpretive Report comments  
**Date:** 09/12/2006 11:28 AM

---

There is some language in the attached letter that we have not agreed with in the past based on the framework discussions. This language was also in the framework document they produced on eco risk last spring. The proposal from the LWG is that the benthic toxicity lines of evidence will "override other lines of evidence" where they were collected, include TZ water screening and tissue lines of evidence. Other lines of evidence are only proposed for use where the model shows an indeterminate result. This framework puts us back 5 months to the framework discussions, and dismisses the work on the LOE and WOE framework the government team has been developing. The other lines of evidence are measuring different exposure routes, and provide very different information. These lines of evidence should not be "overridden" by relying on one specific line of evidence as proposed here.

Please let me know how these issues are to be worked out.

-Jennifer

-----Original Message-----

From: [Humphrey.Chip@epamail.epa.gov](mailto:Humphrey.Chip@epamail.epa.gov)  
[mailto:[Humphrey.Chip@epamail.epa.gov](mailto:Humphrey.Chip@epamail.epa.gov)]  
Sent: Monday, September 11, 2006 4:49 PM  
To: [audiehuber@ctuir.com](mailto:audiehuber@ctuir.com); [Blischke.Eric@epamail.epa.gov](mailto:ANDERSON Jim M; cunninghame@gorge.net; exec@envintl.com; howp@critfc.org; KEPLER Rick J; tomd@ctsi.nsn.us; Sheldrake.Sean@epamail.epa.gov; MCCLINCY Matt; PETERSON Jenn L; POULSEN Mike; Fuentes.Rene@epamail.epa.gov; Black.Curt@epamail.epa.gov; Robert.Neely@noaa.gov; Goulet.Joe@epamail.epa.gov; Davoli.Dana@epamail.epa.gov; jeff.baker@grandronde.org; Shephard.Burt@epamail.epa.gov; OMEALY Mikell; Koch.Kristine@epamail.epa.gov; rose@yakama.com; Erin Madden; BBarquin@hk-law.com; Ray Givens; Lisa BlueLake; Ron Gouguet; aron.borok@EILTD.net; BBarquin@hk-law.com; chris.thompson@EILTD.net; cinde.donoghue@eilttd.net; erin.madden@gmail.com; GAINER Tom; jennifer.arthur@EILTD.net; jeremy_buck@fws.gov; pj.bridgen@envintl.com; rgensemer@parametrix.com</a><br/>Cc: <a href=)  
Subject: LWG response to EPAs Benthic Interpretive Report comments

Not sure who did or didn't get this earlier, so am sending to everyone just to make sure

chip

----- Forwarded by Chip Humphrey/R10/USEPA/US on 09/11/2006 04:44 PM -----

"Helle B.  
Andersen"  
<[helleb@windwardenv.com](mailto:helleb@windwardenv.com)>

09/05/2006 01:52  
PM

To  
Chip Humphrey/R10/USEPA/US@EPA,  
Eric Blischke/R10/USEPA/US@EPA  
cc  
Lisa Saban  
<[lisas@windwardenv.com](mailto:lisas@windwardenv.com)>, Valerie  
Oster <[voster@anchorenv.com](mailto:voster@anchorenv.com)>  
Subject  
resubmittal of response to  
comments document

Chip and Eric,  
Attached please find the signed cover letter and the response document to EPA comments on the Benthic Interpretive Report. Helle

Helle B. Andersen  
Windward Environmental LLC  
200 West Mercer Street, Suite 401  
Seattle, WA 98119

Direct Line (206) 577-1287  
Phone (206) 378-1364  
Fax (206) 217-0089  
[hellea@windwardenv.com](mailto:hellea@windwardenv.com)

This communication is made under the framework of the LWG Participation Agreement and in the parties' common interests in meeting LWG member obligations under the Administrative Order on Consent and in anticipation of litigation concerning liability for the Portland Harbor

Superfund site. This communication is intended and believed by the parties to be part of an ongoing and joint effort to develop and maintain a common legal strategy and contains strategies, work product and legal advice within the "common interest" extension of the attorney-client privilege and the work product doctrine. This communication may include attorney-client communications. With respect to communications by private LWG members to public members, those communications are with the expectation that they will be kept confidential by the public entities. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by electronic mail at [hellea@windwardenv.com](mailto:hellea@windwardenv.com). (See attached file: Response-to-comments\_9\_1.pdf)(See attached file: Coverletter\_9\_1.pdf)